

# Town of Carlisle

MASSACHUSETTS 01741

## Office of PLANNING BOARD

### MINUTES

March 10, 1980

Present: Chaput, Raftery, Kulmala, Sauer, Hannaford, Coulter, Courant

It was noted that the Conservation Commission will make a presentation to the Planning Board regarding their land purchase Town Meeting article at 8:45 on March 24. The Scenic Road Public Hearing for South Street is scheduled for 8:00 that evening. Members of the Board will try to tour those areas of South Street scheduled for renovation.

Vivian Chaput opened the Public Hearings by reading the Public Notices as they had been published.

A Public Hearing was held for the Proposed Zoning Bylaw Change to create a Wetland/Flood Hazard District. See Minutes of Public Hearing attached.

Roger Corbin presented a plan of land of Justin and Beatrice Burley on Westford Road showing Lot 4, 210,910 sq.ft. (4.842 acres) with 250-foot frontage, and Lot 3, 210,910 sq.ft. (4.842 acres) with 304.02-foot frontage. Lot 3 contains an existing building which was shown to be 40 feet from the lot line. The plan was signed under Approval Not Required.

A Public Hearing was held for the Proposed Zoning Bylaw Change to create a Residence District M - Multi-dwelling Housing for the Elderly. See Minutes of Public Hearing attached.

Rollin Young presented a plan of land on Bedford Road showing Lot 7, 203,870 sq.ft. with 40.84-foot frontage, and Lot 6, 204,200 sq.ft. with 40.33-foot frontage. The plan was signed under Approval Not Required.

George Bishop, Judy Farm Road, addressed the Congregational Church question and requested a reconsideration of the Planning Board vote taken at the last meeting. He felt that if the building were destroyed, the parcel would remain zoned for business although it was the intent of the article to preserve the building. The alternative article proposed by the Hensleighs, business permitted in the Historic District via Special Permit, will be reviewed and discussed at the next meeting.

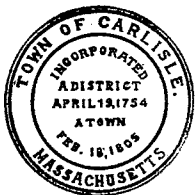
It was reported that there is a proposed Article for Town Meeting to appropriate money for planning a Fire and Police Department facility. It was felt that Bob Koning, Fire Chief, should be invited to a meeting of the Planning Board, to explain the intent of this Article. The selectmen's view should also be sought.

With a view toward possible expansion of the duties of the Board's secretary, Kay Kulmala presented a list of clerical duties now performed by the Clerk of the Board which could be done by the secretary. The Selectmen's reported need for additional clerical assistance will also be followed up to see if the duties can be combined.

The meeting adjourned at 12:15 a.m.

Respectfully submitted,

Meredith DeLong  
Secretary to the Board



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PLANNING BOARD

## MINUTES OF PUBLIC HEARING

March 10, 1980

Present: Chaput, Raftery, Kulmala, Sauer, Hannaford, Coulter, Courant

Proposed Zoning Bylaw Change: Wetland/Flood Hazard District

The Hearing was opened. Kay Kulmala made the first presentation by explaining the reasoning behind this proposed bylaw and its purpose. Ken Harte, Conservation Commission, noted that the Rules and Regulations of the Flood Insurance Administration encourages any town to go beyond the guidelines set by the FIA to protect these Flood Hazard areas. This proposed bylaw does so by bringing Flood Hazard areas under the same restrictions as the current Wetland District. Harte pointed out that of the 157 acres designated as Flood Hazard areas, 90 acres are below the 221-foot contour and already under restriction of the Board of Health.

Only one or two five-acre parcels were seen to be affected by this proposed bylaw. Larger parcels were probably not going to be affected since lot lines could be planned to avoid construction in the District.

In explaining how the FIA went about its process of identifying the Flood Hazard areas, it was pointed out that this is the best information available at this time. However, there is no guarantee that lots located outside of these areas will not experience problems in a 100-year flood.

Changes were made to wording of the proposed Article. A motion was made, seconded and unanimously voted in favor of recommending the adoption of the following:

See attached

Respectfully submitted,

Meredith DeLong  
Secretary to the Board

## 5.B. Wetland/Flood Hazard District

### 5.B.1. Definitions.

- a. Wetland/Flood Hazard District. Wetland/Flood Hazard District is defined in Section 2.B.
- b. Wetlands. Wetlands are wet meadows, marshes, swamps, bogs and areas of flowing or standing water. Wetlands are characterized by the presence of wetland soils and of plant communities which require the presence of water at or near the ground surface for a significant portion of the water.
- c. Flood Hazard Areas. The special "flood hazard area" is the land within a community in the flood plain which is most likely to be subject to severe flooding.

### 5.B.2. Purposes.                      The purposes of the Wetland/Flood Hazard District are:

- a. To provide that lands in the Town of Carlisle subject to seasonal or periodic flooding shall not be used for residence or other purposes in such a manner as to endanger the health or safety of the occupants thereof.
- b. To protect, preserve and maintain the ground water table and water recharge areas within the Town so as to preserve present and potential water supplies for the public health and safety of the residents of the Town.
- c. To assure the continuation of the natural flow pattern of the water courses within the Town in order to provide adequate and safe floodwater storage capacity to protect persons and property against the hazards of flood inundation.
- d. To protect the community against the costs which may be incurred when unsuitable developments occur in wetlands, or flood hazard areas.

### 5.B.3. Overlying District

- a. The Wetland/Flood Hazard District shall be considered as overlying other districts and any use permitted in the portions of the districts so overlaid shall continue to be permitted in the same manner, subject to the provisions of Subsections 5.B.4. and 5 B.5. below.
- b. The portion of any lot within the area delineated on the Wetland/Flood Hazard District may be used to satisfy the dimensional requirements for the district overlaid.

5.B.4. Permitted Uses. In the Wetland/Flood Hazard District the following uses are permitted as of right, provided that any and all permits, orders, or approvals required by state or federal law shall have been obtained.

- a. Outdoor agricultural uses as permitted by Section 3.B.1.g., including drainage and ponding for strictly agricultural purposes as regulated under Chapter 131 of the General Laws, but excluding dumping or filling, or the covering of earth with impervious materials such as, but not limited to, permanent structures or pavement.
- b. Non-conforming uses as permitted by Section 6.A., including without limitation, maintenance of existing ponds and water control devices.
- c. The following uses not involving the removal, transfer, relocation, dumping or filling of earth or other materials, nor the covering of earth with impervious materials, nor drainage, ditching, or diking.
  - (1) Outdoor accessory uses as permitted in the underlying district.
  - (2) Outdoor recreational uses, excluding permanent structures except those listed in Item (4) below, as permitted in the underlying district.
  - (3) Conservation.
  - (4) Foot, bicycle and horse paths and bridges; duck walks, duck blinds; piers and docks.
  - (5) Outdoor storage of materials such as wood piles or hay and of equipment; temporary shelters such as tents; all as accessory to uses permitted in the underlying district, provided that any such storage between the Concord River and an elevation of 121 feet above sea level is secured to prevent its flotation.
- d. The following uses involving the installation of impervious materials, or the removal of earth as permitted by Article IX, Section 4:

- (1) Enlargement of the ground floor area of a residential structure in a Wetland/Flood Hazard District, subject to a determination by the Planning Board that all proposed utilities associated with the additional structure are located, elevated and constructed so as to minimize or eliminate flood damage and that proposed methods of disposal for sewage, refuse and other wastes and for providing drainage are adequate to reduce flood hazards provided the residence is otherwise permitted in the underlying district.
- (2) Accessory structures not for human occupancy as permitted in the underlying district, provided these do not cover more than 180 square feet in the aggregate.
- (3) Governmental uses related to water control or water supplies.
- (4) Public fire holes and fire holes approved as part of a subdivision.
- (5) Private water supplies and fire holes and ponds for recreational and scenic purposes, provided such fire holes and ponds:
  - i - are intended for the private use of the owner or owners of the land on which located;
  - ii - do not comprise more than 0.5 acre;
  - iii - comply with the requirements of Chapter 131, Section 40 of the General Laws.
- (6) Unpaved access ways or unpaved accessory parking lots, substantially at grade.
- (7) Private paved driveways where alternative means of access are inappropriate and not reasonably feasible.
- (8) Paved roads constructed as part of an approved division or providing access to a governmental use.

5.B.5 Uses Permissible on Special Permit in the Wetland/Flood Hazard District.

The Planning Board is designated as the special permit granting authority for the Wetland/Flood Hazard District and the performance of its functions hereunder shall be governed by the following provisions.

- a. The Planning Board may authorize by special permit any of the following additional uses:

- (1) Private ponds and water control devices not permitted as of right.
- (2) Paved and/or elevated boat launching areas.
- (3) Accessory structures described in Sub-section 4.d.(2) above, having an aggregate ground floor area in excess of 180 square feet.

- b. A person desiring such permit shall file a written application with the Planning Board containing a description of the proposed use or structure, accompanied by sufficient plans, maps, or other drawings to fully describe the proposal and shall forthwith furnish a copy thereof to the Town Clerk. Copies shall also be submitted to and reviewed by the Board of Selectmen, the Board of Health and the Conservation Commission. Such reviews may be held jointly. The foregoing agencies shall make such recommendations as they deem appropriate and shall send copies thereof to the Planning board and to the applicant; provided, however, that failure of any such agency to make recommendations within thirty-five days of receipt by such agency of the application shall be deemed lack of opposition thereto.

The Planning Board shall give notice, in the manner provided by Chapter 40A of the General Laws, as amended, of a public hearing to be held within sixty-five days after the filing of the application and shall act within ninety days following the public hearing. Failure by the Planning Board to take action within said ninety days shall be deemed to be a grant of the permit applied for; otherwise, the issuance of special permits shall require a two-thirds vote of the Planning Board.

- c. No special permit shall be granted under this paragraph B of Section 5 unless the Planning Board shall find that:

1. The proposed use will not be detrimental to the public health, safety and welfare, and will be in harmony with the general purpose and intent of this Bylaw.
  2. The proposed use will comply in all respects with the provisions of this Bylaw that are applicable to the underlying district or districts within which the land is located.
- d. The Board may further attach to special permits such conditions, safeguards and limitations on time and use as will insure, in its judgment, that the proposed use will not cause undue disruption of the natural flow, absorption and storage of water and will avoid the risks of pollution, siltation or flotation within the remainder of the Wetland District.
  - e. A special permit granted under this Section 5.B. shall lapse if, within two years from the grant thereof (not including such time as is required to pursue or await the determination of an appeal) a substantial use of the permit has not sooner commenced except for good cause or, in the case of a permit for construction, if construction has not sooner commenced except for good cause.

#### 5.B.6 Special Permit for Uses in Underlying Districts

In addition to the uses described in 5.B.5.a. above, a special permit may be granted by the Planning Board with respect to a parcel of land for any and all uses permitted in the underlying district, subject to the following conditions:

- a. the provisions of 5.B.5. b., d., and e. shall apply.
- b. The Planning Board shall make the findings required by 5.B.5.c above and shall also find that the land has been shown, on the basis of competent engineering data and/or observation, not to be unsuitable for the proposed use because of being subject to seasonal flooding, 100-year floods as defined by the Federal Flood Insurance Administration, or unsuitable hydrological and/or topographic conditions. Such data may include but are not limited to:



- i - seasonal flooding or permanent high water table as indicated by recorded observations of surface water during periods of high water and/or by typical wetland vegetation.
- ii - evidence of pollution affecting underlying aquifers.
- iii - calculations refining the Flood Insurance Rating Maps.

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Section 2.A.5. is modified to read as follows:

Wetland/Flood Hazard District (overlies all other Districts - see Section 5.B)

Section 2.A.6. would be deleted and replaced in accordance with the Housing for the Elderly articles.

Section 7.B would be modified to change the term "Wetland" to "Wetland/Flood Hazard".



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March 10, 1980

Present: Chaput, Raftery, Kulmala, Sauer, Hannaford, Coulter, Courant

Proposed Zoning Bylaw Change: Residence District M - Multi-dwelling  
Housing for the Elderly.

The Hearing was opened. Vivian Chaput explained the reasoning and objectives of this approach to creating a zone for Housing for the Elderly. Art Milliden, Housing Study Committee, explained the steps of the process by which the zone would be utilized. The plan of land on Church Street which had been reviewed at the last Planning Board meeting was available for inspection.

There was discussion of whether the proposed District M should be an overlying district so that uses as of right could be permitted if the land is not used for housing for the elderly. George Bishop, Judy Farm Road, felt that this could open up situations which are unforeseen at this time. Ken Harte, Estabrook Road, also felt that District M should not be an overlying district. There was discussion of whether the Article should be reworded to focus on a more specific objective, limiting the district to the Church Street land shown on the plan.

There was discussion as to whether future applications of this District need be restricted to "within a circle...having a radius extending 1,500 feet from the Soldiers Monument in Carlisle Center" or whether this restriction could be eliminated.

Harte requested that the units per acre be limited to four instead of six. Milliden responded that since the number of six units per acre is an outer limit, the six units should remain as written. Limitations of a particular site will keep the number of units lower, if necessary. The requirements of economic feasibility also require a certain amount of flexibility.

Advice of Town Counsel Neil Melone was sought throughout the Public Hearing on several matters of form and wording. Modifications to the wording will be put in final form for the next Planning Board meeting. A vote on this article will be held at that time.

The Hearing was closed.

Respectfully submitted,

Meredith DeLong  
Secretary to the Board